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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ROBERT HUNTER BIDEN, an  
15 individual,

16  
17 Plaintiff,

18  
19 vs.

20 PATRICK M. BYRNE, an individual,

21  
22 Defendant.

23 } **Case No.: 2:23-cv-09430-SVW-PD**  
24 } **Judge: Honorable Stephen V.**  
25 } **Wilson**  
26 } **Courtroom: "10A"**

27 } **DEFENDANT'S TRIAL BRIEF ON**  
28 } **PUNITIVE DAMAGES ISSUE AND**  
 } **REQUEST FOR JURY**  
 } **INSTRUCTION ON PUNITIVE**  
 } **DAMAGES ON DEFENDANT'S**  
 } **FINANCIAL CONDITION**  
 } **INCLUDING HIS NET WORTH**  
 } **AND NET INCOME**

} **Date: July 28, 2025**  
 } **Time: 1:30 p.m.**  
 } **Courtroom: "10A"**

i.

**MEMORANDUM OF POINTS & AUTHORITIES**

**I. INTRODUCTION**

Defendant Patrick Byrne hereby submits his Trial Brief to the Court for its consideration on the punitive damages issue with a request for a jury instruction related to that issue:

**II LAW APPLICABLE TO PUNITIVE DAMAGES CLAIM BY PLAINTIFF**

This is a diversity case. There is no federal question involved. The case involves a claim for defamation and California law applies to the determination of the issues of this case including the standards that the jury must consider to make an award of punitive damages during the trial of this case. (*Erie R.R. Co. v. Tompkins* (1938) 518 US 415, 427; *Hyan v. Hummer* (9<sup>th</sup> Cir. 2016) 825 F.3d 1043, 1046.)

Under California law, in determining the amount necessary to impose an appropriate punitive amount, the jury must consider the wealth of the defendant in setting the amount of the punitive damages award. (*Adams v. Murakami* (1991) 54 Cal.3d 105, 109-116.)

The plaintiff bears the burden of presenting evidence of the defendant's financial condition to support a claim for punitive damages. (*Adams supra* at 119-123) which includes not just the financial assets of the defendant but his liabilities revenue and costs as well. (*Soto v. Borg-Warner Morse Teds, Inc.* (2015) 239 Cal.App.4<sup>th</sup> 165, 195-196.) The plaintiff's burden of proof of showing the financial condition of the Defendant is with clear and convincing evidence. (*Kelley v. Fundomnate, Inc.* (CD Cal 2025) 773 F. Supp. 3d 899)

A punitive damages award must be reversed on appeal when Plaintiff fails to present evidence of the Defendant's net worth during the trial of the case for consideration by the jury in determining the amount of an award of punitive damages against the defendant. (*Baxter v. Peterson* (2007) 150 Cal.App.4<sup>th</sup> 673,

680-681). Moreover, evidence of net income without evidence of the defendant's assets and liabilities is also insufficient to support a claim for punitive damages and must be overturned on appeal. (*Lara v. Cadag* (1993) 13 Cal.App.4<sup>th</sup> 1061, 1063-1066.) The inquiry regarding the financial condition of the defendant for a jury to make an award of punitive damages is the examination of the financial condition of the Defendant at the time of trial. (*Washington v. Farlice* (1991) 1 Cal.App.4<sup>th</sup> 766, 777.) A punitive damages award must be reversed by the court of appeal if there is no sufficient admissible evidence of defendant's current financial conditions. (*Farmers & Merchants Trust Co v. Vanetik* (2019) 33 Cal.App. 5<sup>th</sup> 638, 649-650.)\_

**III DEFENDANT IS ENTITLED TO A JURY TRIAL ON THE PUNITIVE DAMAGES CLAIM BY PLAINTIFF WITH AN APPROPRIATE JURY INSTRUCTION BASED ON ALL CALIFORNIA LAW REQUIREMENTS THE JURY MUST FOLLOW TO MAKE THE AWARD.**

It is undisputed that Defendant is entitled to a jury trial on Plaintiff's punitive damages claim. He is entitled to a jury instruction that includes the California law that mandates that the jury cannot make an award of punitive damages against the Defendant if the Plaintiff fails to present any evidence of Defendant's net worth and net income.

Based on the court's pretrial ruling of July 23, 2025, Defendant seeks leave to submit to the court an additional jury instruction with the appropriate California law which requires that Plaintiff present clear and convincing evidence of Defendant's net income and net worth or the jury cannot make an award of punitive damages against the Defendant during the trial of this case.

**IV CONCLUSION**

For the reasons discussed above, Defendant respectfully requests the Court consider this Trial Brief at pretrial on July 28, 2025, and rule accordingly.

1 Dated: July 24, 2025

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2  
3 By: /s/ Michael C. Murphy, Esq.

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8 Patrick Byrne  
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